

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 3, 1970

9:00 A.M.

Council Chamber, City Hall

Mayor LaRue called the meeting to order.

Roll call:

Present: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue

Absent: None

The Invocation was delivered by REVEREND ARTHUR ANDERSON, Jail Chaplain, Austin Council of Churches.

APPROVAL OF MINUTES

Councilman Price moved the Council approve the Minutes of the Regular Meeting of November 19, 1970. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Not in Council Room at roll call: Councilman Johnson

ANNEXATION ORDINANCE

Mayor LaRue introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.10 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAI T SURVEY AND 8.88 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE, ALL OF WHICH IS LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. 0.10 acre-Windsor Village; 8.88 acres-Flournoy's Sweetbriar, Section VII)

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion,

seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the second time and Councilman Price moved the ordinance be passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### REFUND CONTRACT

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CAL MARSHALL; AND DECLARING AN EMERGENCY. (Water and sewer mains in Johnston Terrace, Section 5.)

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the second time and Councilman Price moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the third time and Councilman Price moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN

CITY CODE OF 1967 AS FOLLOWS: A 2.56 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2110-2202 THRASHER LANE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Janes moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue  
Noes: None  
Present but not voting: Councilman MacCorkle

The ordinance was read the second time and Councilman Janes moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue  
Noes: None  
Present but not voting: Councilman MacCorkle

The ordinance was read the third time and Councilman Janes moved that the ordinance be finally passed. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue  
Noes: None  
Present but not voting: Councilman MacCorkle

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATION HEARING

It being 9:30 A.M., Mayor LaRue opened the hearing scheduled for this time on annexation of 19.5 acres of unplatted land out of the John Applegait Survey. No one appeared to participate in the hearing. Councilman Price moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

19.5 acres of unplatted land out of the  
JOHN APPLGAIT SURVEY. (requested by  
owner's representative)

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

## ZONING HEARINGS

The Mayor announced that the Council would hear the zoning cases scheduled for public hearing on this date. The Director of Planning reviewed each case, locating them in the area, describing the uses of surrounding properties, and adequacy of streets, as follows:

CHRISTIE SARRIS By L. M. Holder C14-70-184	115-145 South First Street	From "C" Commercial To "C-2" Commercial RECOMMENDED by the Planning Commission
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Councilman Price moved the change to "C-2" Commercial be granted. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. B. FORD By Russell Rowland C14-70-186	2913-2917 Manchaca Road	From "A" Residence To "O" Office RECOMMENDED by the Planning Commission
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Councilman Price moved the change to "O" Office be granted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue  
Noes: None  
Present but not voting: Councilman Johnson

The Mayor announced that the change to "O" Office had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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LARRY MILLER By George G. Butler C14-70-187	2307 Lake Austin Blvd.	From "A" Residence To "B" Residence RECOMMENDED by the Planning Commission
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Councilman Price moved the change to "B" Residence be granted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue  
Noes: None  
Not in Council Room when roll was called: Councilman Johnson

The Mayor announced that the change to "B" Residence had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

LEON A. WHITNEY 3512 Burleson Road  
C14-70-201

From "LR" Local Retail  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman Price moved the change to "C-2" Commercial be granted. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change to "C-2" Commercial had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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THOMAS JAMES 2936 East 12th Street  
C14-70-188

From "A" Residence  
To "GR" General Retail  
RECOMMENDED by the  
Planning Commission

Councilman Price moved the change to "GR" General Retail be granted. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change to "GR" General Retail had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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SAM DUNNAM IV Rear 7600 Burnet Road  
By Robert J. Hearon,  
Jr., it al  
C14-70-176

From "A" Residence  
To "GR" General Retail  
RECOMMENDED by the  
Planning Commission  
subject to approval of  
final subdivision

Councilman MacCorkle moved the change be granted to "GR" General Retail subject to approval of final subdivision. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: None  
Councilman Gage disqualified himself

The Mayor announced that the change had been granted to "GR" General Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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LOIS SHAW  
By Willie Parks  
C14-70-203

1701 East 18th Street  
1707-1711 Leona Street

From "A" Residence  
To "BB" Residence  
RECOMMENDED by the  
Planning Commission  
subject to 5' of r-o-w  
on 18th Street and  
7' of r-o-w on Leona

Councilman Janes moved the change be granted to "BB" Residence as recommended. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

The Mayor announced that the change to "BB" Residence had been granted as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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O. C. HARDIN  
C14-70-134

3606 Clawson Road

From "A" Residence  
To "BB" Residence  
RECOMMENDED by the  
Planning Commission  
subject to 10' of r-o-w  
on Clawson Road

Councilman Price moved the change to "BB" Residence be granted as recommended. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

The Mayor announced that the change had been granted to "BB" Residence as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN BARNETT  
ET UX, ET AL  
By Truman H. Montandon  
C14-70-183

408-410 West 37th Street

From "A" Residence 1st  
Height and Area  
To "B" Residence 1st  
Height and Area  
(as amended)  
RECOMMENDED by the  
Planning Commission as  
amended subject to 10'  
of r-o-w on West 37th  
Street

Councilman Janes moved the change to "B" Residence 1st Height and Area

be granted as recommended. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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TERRELL TIMMERMAN      5300-5304 Guadalupe  
C14-70-190

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission  
subject to 10' of r-o-w  
on North Loop and 5' of  
r-o-w on Guadalupe

Councilman Gage moved the change to "B" Residence be granted as recommended. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Price, Mayor LaRue  
Noes: Councilmen Janes, Johnson, MacCorkle

The Mayor announced that the change to "B" Residence had been granted as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. SARAH A. GOLDEN      5711-5713 Manor Road  
By Ed Golden  
C14-70-197

From "A" Residence  
To "GR" General Retail  
RECOMMENDED by the Planning  
Commission subject to  
short form subdivision on  
the lot

Councilman Price moved that the change be granted to "GR" General Retail as recommended. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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WEST 34TH STREET  
CORP.  
By Ralph Daughtry

Rear of 807 West 34th  
Street  
3208 West Avenue

From "BB" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission  
subject to alley vacations  
and short form subdivision

Councilman Price moved the change to "O" Office be granted as recommended. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted to "O" Office as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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EDMUND J. FLEMING

601-603 Clifford Street  
4214-4218 South 1st  
Street

From "A" Residence  
To "GR" General Retail  
(as amended)  
RECOMMENDED by the  
Planning Commission as  
amended subject to 5' of  
r-o-w on Clifford Street

Councilman MacCorkle moved that the change be granted to "GR" General Retail as recommended. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue  
Noes: Councilman Johnson

The Mayor announced that the change had been granted to "GR" General Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOSEPH BASHARA

6208-6212 Langham Street  
1706-1708 Montopolis  
Drive

From "A" Residence  
To "GR" General Retail  
RECOMMENDED by the  
Planning Commission  
subject to 5' of r-o-w  
on Langham Street

Councilman Price moved that the change to "GR" General Retail be granted as recommended. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Janes, MacCorkle, Price, Mayor LaRue  
Noes: Councilmen Gage, Johnson

The Mayor announced that the change had been granted to "GR" General

as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

EARL EASTBURN

2229-2233 Richcreek Road

From "B" Residence  
To "LR" Local Retail  
(as amended)  
RECOMMENDED by the  
Planning as amended  
subject to short form  
subdivision and 5' of  
r-o-w on Richcreek to  
Burnet Road

Councilman Gage moved the change to "LR" Local Retail be granted as recommended. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Price, Mayor LaRue  
Noes: Councilmen Johnson, MacCorkle

The Mayor announced that the change had been granted to "LR" Local Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

DON JACKSON  
By Leon Chandler

5210 Joe Sayers Avenue

From "A" Residence 1st  
Height and Area  
To "B" Residence 2nd  
Height and Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Residence  
1st Height and Area sub-  
ject to 5' of r-o-w on  
Joe Sayers Avenue

Councilman Price moved the change be granted to "B" Residence. The motion, seconded by Councilman Johnson, failed to carry by the following vote:

Ayes: Councilmen Atkison, Johnson, Price  
Noes: Councilmen Gage, Janes, MacCorkle, Mayor LaRue

Councilman Gage moved the change be granted to "BB" Residence 1st Height and Area as recommended. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence 1st Height and Area as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE W. RUSSELL            5608-5610 Woodrow

From "A" Residence  
To "O" Office  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "B" Residence  
subject to 15' of r-o-w  
on Woodrow

Councilman Gage moved the change be granted to "B" Residence as recommended. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

The Mayor announced that the change had been granted to "B" Residence as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

JESSE MITCHELL  
C14-70-196

6901 Guadalupe Street  
506-512 Kenniston Drive

From "A" Residence  
To "LR" Local Retail  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "B"  
Residence subject to 5'  
of r-o-w on Kenniston

Councilman MacCorkle moved the change to "B" Residence be granted as recommended. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

The Mayor announced that the change had been granted to "B" Residence as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

O. R. McCASLIN  
C14-70-179  
(Postponed from  
November 5, 1970)

503 West 38th Street

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "B"  
Residence subject to 5'  
of r-o-w

Councilman Gage moved the change be granted to "O" Office, The motion, seconded by Councilman Atkison, failed to carry by the following vote:

Ayes: Councilmen Atkison, Gage, Price  
Noes: Councilmen Janes, Johnson, MacCorkle, Mayor LaRue

Councilman Janes moved the change be granted to "B" Residence as recommended. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted to "B" Residence as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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WILLOW CREEK HILLS  
C14-70-204

2000-2047 Willow Creek

From Interim "A"  
Residence 1st Height  
and Area

Tract 1: 24.7 acres

To "B" Residence 1st  
Height and Area

Tract 2: 23.4 acres

To "B" Residence 1st  
Height and Area  
north of Oltorf and  
east of Willow Creek;  
"BB" Residence 1st  
Height and Area  
south of Oltorf east  
of street; "GR"  
General Retail 1st  
Height and Area south  
of Oltorf west of  
street; "GR" General  
Retail 1st Height and  
Area north of Oltorf  
west of Willow Creek

Tract 3: 22.2 acres

To "BB" Residence 1st  
Height and Area

Tract 4: 4.93 acres

To "B" Residence 2nd  
Height and Area with  
density restriction  
to 1st Height and  
Area

As amended  
RECOMMENDED as amended by  
Planning Commission sub-  
ject to approval of final  
subdivision plat

Councilman Janes moved the change be granted as recommended. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
 Noes: Councilman Gage

The Mayor announced that the change had been granted as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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CLARENCE FLOURNOY	1007 East 13th Street	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area NOT Recommended by the Planning Commission
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MR. CLARENCE FLOURNOY was not present, but had requested that the hearing be continued until the following week when he could be present. The Mayor opened the hearing to those in opposition. MRS. VIVIAN CHAMBERS, 1110 East 12th Street, stated the area was already too congested, and people were afraid to leave their homes because of robberies, etc. If more apartments were added, they would only increase the present problems. She reported 21 people living in one house; and many people live in a little small room and pay \$80.00 a month. MR. GILLIS C. JEFFERSON, 1003 East 13th, stated he was denied the privilege in 1959 to remodel his house and to have more than two kitchens. He opposed this proposed apartment, on this 30' street. MRS. MARTHA MOODY, 1005 East 13th, stated their entrance was through the alley, as there is a wall across the front yard to keep the water from coming in. People in the apartments in the rear park in the alley. She opposed any apartments as this development would increase their fear. MR. DENMAN MOODY, 1005 East 13th, stated apartments like these would breed slums and riots. He asked that the property stay "A" Residence. The Council discussed continuing the hearing until December 10th. Councilman Janes stated he would commit himself not to grant the request without notifying both interested parties. This seemed to be the concensus of the Council. Mayor LaRue announced this zoning application would be held in abeyance until the following week.

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YMCA of the UNIVERSITY OF TEXAS By William Fielder	601-605 West 22nd Street 2108-2112 Nueces Street	From "B" Residence 2nd Height and Area To "C" Commercial 4th Height and Area NOT Recommended by the Planning Commission
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The Assistant Director of Planning stated this application was for "C" Commercial 4th Height and Area to construct a four-story parking garage for rental, as well as provide parking for the new YMCA building at 24th and Guadalupe. This is a reapplication with an additional lot. Opposition was expressed by MR. JOHN AKIN, representing MRS. CAROL COOK, stating the change in zoning is a radical one, and the parking garage would not help the parking problems in the area. MR. JOHN BRIDGEWATER, representing his aunts at 2104 Nueces, adjacent to the proposed garage, pointed out the adverse effects that would result to their home and rooming house. The garage would be 3' from

their residence. The Assistant Planning Director stated that although the neighborhood was changing from lower density to higher residential, it still is residential.

Councilman Johnson moved the Council deny the request. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: Councilman Gage

The Mayor announced that the change had been DENIED.

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JOHN D. GIDDINGS	1917 David Street	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area NOT Recommended by the Planning Commission RECOMMENDED "B" Resi- dence 1st Height and Area subject to 5' of r-o-w on David Street
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MR. JOHN GIDDINGS Represented himself, stating most of the adjacent property was rent property, and more than single family. With this zoning change, he anticipated constructing eight units.

MR. BAGBY ATWOOD stated this was residential property; and instead of the inference that everybody was in the rental business, there are only two or three who do rent rooms. This is the first time this area has been invaded. MR. RAY HOWARD, Real Estate broker, claimed there was a shortage of student housing in this area. MRS. SHERRY, 1916 David, expressed opposition to more dense zoning which would only add to the traffic congestion. MR. A. D. CRAUER noted the narrow street from 19th to 22nd, with automobiles parking and blocking alleys and drives. After discussion, Councilman MacCorkle moved the Council deny the change. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Gage, MacCorkle, Price, Mayor LaRue  
Noes: Councilmen Atkison, Janes, Johnson

The Mayor announced that the change had been DENIED.

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STEVE HEFFINGTON, JR. By Emmett Shelton	4516-4518 Avenue C	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area NOT Recommended by the Planning Commission
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MR. EMMETT SHELTON represented the applicant, stating 21 of the residents

had been polled and wanted the zoning change; 11 were against the change. He pointed to the age of the area and lack of new development. Apartments are allowed up to 45th Street. Councilman Janes noted from the study of the Planning Commission, that zoning should not be extended north of 45th. The Director of Planning stated the Planning Commission requested an area study from San Jacinto on the south to State land north of this tract, and from Duval to Guadalupe. The recommendations made have been followed as guidelines by the Commission and all zoning requests in the Hyde Park area since then.

Councilman Gage wanted the record to reflect that he disqualified himself as he is an adjoining property.

Councilman Janes moved the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Mayor LaRue

Noes: Councilman Price

Present but not voting: Councilman Gage (as he had disqualified himself from participation as he was an adjoining property owner)

The Mayor announced that the change had been DENIED.

ERNEST PADILLA  
C14-70-189

4705-4707 Alf Avenue

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission

Mrs. Padilla explained they bought the lot for her husband to park a loader, trailer, and dump truck. The Building Official instructed them to obtain a change of zoning for this use. The equipment hardly ever is parked there as it is out on the job. Part of the equipment is for sale. She refuted statements that there were two-way radios and that the trucks were in operation at 4:00 A.M. Mrs. Padilla stated a Mr. Reed had junk cars parked on the City property along the front, and he complains about the street's being narrow. The City Manager stated he would take not of this matter. Council members expressed their sentiments but seemed to have no choice other than NOT zoning it "C" Commercial, as that would leave the residents unprotected, should the Padillas sell the lot.

Councilman Gage moved the Council uphold the Planning Commission recommendation and deny the "C" Commercial zoning. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Mayor LaRue

Noes: Councilman Price

The Mayor announced that the change had been DENIED. Mrs. Padilla was asked to check back with the Building Official.

E. D. BOHLS for 1000-1002 East 13th Street From "A" Residence  
 AUSTIN ENTERPRISES 1301-1305 Waller Street To "C" Commercial  
 By Bob Howerton NOT Recommended by the  
 C14-70-202 Planning Commission

Mayor LaRue noted receipt of a letter from MR. BOB HOWERTON requesting withdrawal of the application. The Council held this application in abeyance until the following week until written request from Mr. Howerton is received.

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RICHARD CRISS 2104-2404 Stassney Lane From Interim "A"  
 TRUSTEE Residence 1st  
 By Robert Sneed Height and Area  
 C14-70-136 To "A" Residence and  
 "BB" Residence 1st  
 Height and Area  
 (as amended)  
 RECOMMENDED by the  
 Planning Commission as  
 amended

This application was postponed from October 1, 1970. The Mayor noted written request from MR. ROBERT SNEED and MR. MAURICE ANGLY for postponement of Zoning Application No. C14-70-136, until February 4, 1971. Councilman Janes moved that the request for postponement be granted. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

The Mayor announced the application had been postponed until February 4, 1972.

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LUCIA F. CASTILLO 1715-1801 State Highway 29 From "A" Residence  
 C14-70-185 29 To "B" Residence  
 1710-1802 Old Austin - RECOMMENDED to with-  
 Del Valle Road draw by the Planning  
 Commission

The Assistant Planning Director reported that just last week the Council had passed an ordinance granting zoning on this tract for "C" Commercial, which had been made about two years ago. The conditions had been met, and this zoning is now moot. The Planning Commission recommended that it be withdrawn.

Councilman Gage moved that the application be withdrawn. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

## PROCLAMATION - DORIS MILLER DAY

Mayor LaRue read a Proclamation citing STEWART DORIS MILLER in his bringing his injured commanding officer to safety after a bomb ripped through their ship, the U.S.S. West Virginia; and then manner the machine gun which he had never been trained to fire and downed two Japanese airplanes. The Mayor Proclaimed December 7, 1970, as DORIS MILLER DAY IN AUSTIN. The proclamation was presented to Commander Westlake, who thanked the Council for calling this event to the citizens of Austin, and noted Stewart Doris Miller was one of the first heroes of World War II from this area.

GROUP TO DISCUSS CITY CHARTER -  
COUNCILMEN TO REPRESENT A DISTRICT

MR. ARTHUR GUERRERO asked on behalf of citizens of East Austin, to have equal representation, and that the Council allow the people to decide for themselves in amending the Charter in Article II, Section 1, whereby the Mayor would be elected from the City at Large; the remaining six Councilmen to be elected from six separate geographical single member districts, with none overlapping another and the resident qualified voters of each separate district shall elect one Councilman to represent their districts. The districts shall be numbered: 1, 2, 3, 4, 5, and 6.

Members of the Council responded. Mr. Guerrero said if the Council did not refer this Charter amendment to the people, the group would draw an initiative petition to have this amendment placed on the ballot.

MR. LARRY TOWNSEND, Travis County Young Democrats, and MR. ROBERT CANINO, American GI Forum for Central Texas, and MRS. EDITH BUSS, Chairman of the Travis County Democratic Women's Committee, endorsed the proposal. Mrs. Buss asked that the redistricting be done by computer, based on the 1970 census, and minimize voluntary or involuntary gerrymandering. MR. JAMES SHEAR, Second Vice-President of the NAACP, read a statement in support of the Charter amendment.

MR. PHILIP L. WHITE, 1808 Forest Trail, Chairman of the West Austin Democrats (Tarrytown Democrats), urged such an amendment; DR. JORGE LARA-BRAUD, Director of the Hispanic-American Institute, discussed the philosophical issues; MR. RANDALL BOYD, Law Student at the University, representative of the University of Texas Young Democrats; MR. LOUIS MARTINEZ, American GI Forum and LULAC, were supporting this amendment; MR. JORGE GUERRA, small businessman in the East Austin Area, suggested more attention would be given to a district by a Councilman elected there. It was pointed out representatives from an area could not do too much as they would be afraid of retaliation. MRS. ROBERT CANINO, 8407 Sequoya, Chairman of the Austin American GI Forum Auxiliary, stated they endorsed this amendment. REVEREND THOMAS WHITCOMB, Trinity United Church, Cameron Road, looked down on the present place system and supported the proposed system. MR. MARIA HERNANDEZ, Socialist Workers Party, wanted the people to decide on the districting plan. MR. LaSALLE BURNETTE, East Austin Opportunities Corporation, endorsed the proposed Charter amendment.

MR. GUERRERO stated the group would go the petition route and make every effort to get this system on the ballot, regardless of what it will take. He hoped any individual running for the Council would be put on the spot for this to become an issue, as they plan to make it an issue.

Councilman Johnson suggested that the group may not have given sufficient thought to this matter and pointed out some possible pitfalls, mentioning the isolation process, division of the City, and a trend of regression into the old Chicago Ward system, which is admittedly bad throughout the entire United States, usually resulting in graft, crime and bargaining among the Council rather than truly promoting the community. He was opposed to dividing and fragmenting the City.

Councilman Gage stated at some point in time, this method of some form of geographic representation may come into being. He stated he could not support six districts, and this would not be practical and would be more difficult to operate under district system. He questioned if the City were large enough for this kind of representation at this time. He stated he would be glad to study the matter and give Mr. Guerrero a decision on it later.

Councilman Atkison stated since there is an indication that this will be an issue, he would state he did not favor this proposal.

MR. LaSALLE BURNETTE, believed the thnic groups in East Austin would have a better chance for serving on the Council under the district plan. MISS CAROLINE OSBORNE noted within the present system, the group could select a candidate, back him all the way, and have an elected representative. MR. BILL STERZING commented on Urban Renewal.

Councilman MacCorkle pointed out there needs to be studying, facts compiled, and details set out. Terms of office should be considered; qualifications of candidates, and geographical representation should be determined. MRS. LEON DONN urged that the Council put this matter to a vote next week so that these people who are interested in doing away with the place system can take their next step. She did not believe minorities could get representation under the place system.

The Mayor stated the Council did not want to make a decision on this matter at this time.

#### APPEAL ON THE PERMANENT REVOCATION OF CHAUFFER'S LICENSE - KARRY BARRS

The City Manager said the Council had been presented facts on the case of Mr. Karry Barrs. The Traffic and Transportation Engineer, reported after reviewing the operators of all taxicabs in the City, Mr. Barrs, based on his driving record and inability to comply with the Taxicab ordinance, was issued a one-year probationary license. Since then numerous violations of the ordinance had come to their attention. On November 24, the license as a City chauffer or taxicab driver, was revoked. Councilman Price stated the responsibility should be placed on the franchise holder, and he wanted the cab companies to check their own operations. Mr. Barrs acknowledged he had been in violation on various occasions of the taxicab ordinance and of other traffic laws. It was stated Mr. Barrs was on probation when these violations occurred. The Traffic Engineer, in answer to the City Attorney, stated the report presented to the Council had been compiled from various records of the cab company by him or one working under his direction, and he varified the accuracy of the report. This hearing before the Council has to do with Item A-3 of the Agenda, "MR. KARRY

BARRS to appeal the permanent revocation of Chauffer's License". After a thorough hearing, Councilman Janes moved the appeal be rejected (Uphold the determination made by the staff that the license should be suspended). The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

APPROVAL OF BUDGETS FOR MODEL CITIES

MR. TONY OJEDA, Director Model Cities, announced receipt of an executed copy of the grant agreement for Comprehensive Demonstration Program between the City and the Government, dated December 1, 1970. The letter of credit is now underway and in the mail. Mr. Ojeda said the administrative structure for Model Cities had been revised. He explained the administration budget is a 21 month budget, including a hiatus for an interim period between June 1 through December 1; then begins from December 1 through February 29, 1972. Explained and discussed in detail were the Program Administration Budget; the Program Evaluation Budget; Project Evaluation Budget; and Citizen Participation Budget-- 15 months budgets, except the Program Administration which is a 21-month budget. Also explained was the funding of these budgets. From now on the Budget will coincide with that of the rest of the City Departments, beginning in October.

After a thorough and detailed discussion, Councilman MacCorkle moved the Council approve the following budgets for Model Cities:

	<u>City Share</u>	<u>Model Cities Share</u>
Program Administration	\$59,564	\$238,257
Program Evaluation	8,979	35,915
Project Evaluation	-0-	41,134
Citizen Participation	-0-	67,448

The motion, seconded by Council Price, carried by the following vote:  
 Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

The question was raised if this budget reflected relocation of families in the Palm School site. It was pointed out this just approved budget is only the administration budget. There will be \$225,000 for relocation.

TRANSFER OF PROCEEDS OF TRUST AND AGENCY ACCOUNT  
 "CEMETERY PERPETUAL CARE FUND" TO CEMETERY CONSTRUCTION FUND.

This item on the Agenda was deferred temporarily.

ANNOUNCEMENT OF RESIGNATION  
 OF DIRECTOR OF PLANNING

The City Manager announced the resignation of MR. HOYLE OSBORNE as Director of Planning, who is joining a firm of private consultants. The

City Manager stated Mr. Osborne had contributed very much to the City. The effective date of his resignation will be announced later.

**SELECTION OF ENGINEERING TESTING SERVICES  
FLEET ADMINISTRATION BUILDING "E"**

The City Manager submitted the names of the two firms in Austin in the Engineering Testing field. Councilman Gage moved the Council award the contract for engineering testing services to FRANK BRYANT. (\$1,000) The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

**CONTRACTS AWARDED**

Councilman Price offered the following resolution and moved its adoption:

**(RESOLUTION)**

WHEREAS, bids were received by the City of Austin on November 10, 1970 for 100,000 pounds of ACSR Wire, Code Name: Drake, to be used by the Electric Distribution Division; and,

WHEREAS, the bid of Sterett Supply Company in the sum of \$28,100.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the bid of Sterett Supply Company in the sum of \$28,100.00 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Sterett Supply Company.

The motion, seconded by Councilman Gage, carried by the following vote:  
Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

Councilman Price offered the following resolution and moved its adoption:

**(RESOLUTION)**

WHEREAS, bids were received by the City of Austin on November 24, 1970 for the construction of a chain link fence at Memorial Park and Evergreen Cemetery, Contract No. 70-X-132; and,

WHEREAS, the bid of Sears Commercial Sales in the sum of \$11,336.70 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Sears Commercial Sales in the sum of \$11,336.70 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Sears Commercial Sales.

The motion, seconded by Councilman Gage, carried by the following vote:  
Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 24, 1970, for the construction of a reinforced concrete box culvert over Fort Branch in the 5000 block of Heflin Lane, Contract No. 70-C-131; and,

WHEREAS, the bid of Ed H. Page in the sum of \$23,248.56 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Ed H. Page in the sum of \$23,248.56 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Ed H. Page. (Capital Improvement Program-City's estimate \$26,778-150 working days)

The motion, seconded by Councilman Gage, carried by the following vote:  
Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

BIDS REJECTED

Councilman Price moved that the bids on traffic sign posts be rejected. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

INSTALLATION OF WATER PIPE AND REIMBURSEMENT TO DEVELOPER

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Burton Terrace, Sections 1 and 2, and Parker

Heights, Sections 2 and 3, have contracted to install certain utility facilities in connection with the development of said subdivisions; and,

WHEREAS, it is deemed advisable for said owners to simultaneously install a certain 24 inch C.S.C. water main because of the advantages of making such installation during the initial stages of developing in advance of the installation of other underground utilities, and street paving, through a single contractor; and,

WHEREAS bids have been taken for such utility development and Ford-Wehmeyer, Inc. has submitted the lowest and best bid, with the portion thereof attributable to such 24 inch C.S.C. water main being \$31,655.00; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That upon completion of installation of said 24 inch C.S.C. water main satisfactory to City, transfer of title thereto, and acceptance by City, the developers of said subdivisions shall be reimbursed for all amounts paid in connection with the installation of said 24 inch C.S.C. water main not to exceed \$31,655.00. (City's estimate - \$34,875.00)

The motion, seconded by Councilman Price, carried by the following vote:  
Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### SUBSTANDARD STRUCTURES

Councilman Gage moved the Council accept the recommendations from the Building Standards Commission as follows, and direct the Law Department to take proper legal disposition on the following substandard structures which have not been repaired or demolished within the required time:

2007 East 9th Street  
Eva Hichman Bell

- That the structure located on this lot be declared a public nuisance by the City Council; that the City Council refer this unit to the Legal Department; that the Legal Department of the City of Austin cite the owner or heirs by publication and seek whatever legal jurisdiction necessary to repair or demolish the structure and clean the premises; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

908 Olive Street  
Mrs. Virginia Hinson

- That the structure located on this lot be declared a public nuisance by the City Council; that the City Council refer this unit to the Legal Department; that the Legal Department of the City of Austin cite the owner or heirs by publication and seek whatever legal jurisdiction necessary to repair or demolish the structure and clean the premises; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

The motion, seconded by Councilman Janes, carried by the following vote:  
Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### APPROVAL - MODEL CITIES

Councilman Price moved the Council approve the Administrative Section and Evaluation Plan of the Model Cities Program (amendments to original plan). The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### EASEMENTS RELEASED

Councilman Price offered the following resolution and moved its adoption:

#### (RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Willow Creek Section One, a subdivision in the City of Austin, Travis County, Texas, of record in Book 47 at Page 8 of the Plat Records of Travis County, Texas, said easement being out of and a part of Lot 3, Block A, of said Willow Creek Section One; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

141 square feet of land out of and a part of Lot 3, Block A, Willow Creek Section One, said Willow Creek Section One being a subdivision of a portion of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, according to a map or plat of said Willow Creek Section One of record in Book 47 at Page 8 of the Plat Records of Travis County, Texas; which 141 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the herein described tract of land, same being a point in a line 7.50 feet west of and parallel to the east line of said Lot 3 and from which point of beginning the southeast corner of said Lot 3 bears S 60° 18' E 7.50 feet and S 29° 31' W 6.89 feet;

THENCE, with the south line of the herein described tract of land with the following two (2) courses:

(1) N 65° 21' W 42.01 feet to a point;

(2) N 45° 23' W 16.69 feet to a point in a line 7.50 feet north of and parallel to the south line of said Lot 3;

THENCE, with said line 7.50 feet north of and parallel to the south line of said Lot 3, S 60° 18' E 57.97 feet to the northeast corner of the herein described tract of land, same being a point in a line 7.50 feet west of and parallel to the east line of said Lot 3;

THENCE, with said line 7.50 feet west of and parallel to the east line of said Lot 3, same being the east line of the herein described tract of land, S 29° 31' E 0.66 feet to the point of beginning.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Villa Suena, Section 2, a subdivision in the City of Austin, Travis County, Texas, of record in Book 48 at Page 53 of the Plat Records of Travis County, Texas, said easement being out of and a part of Lot 9, Block D, of said Villa Suena, Section 2; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion

of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

A strip of land 1.00 foot in width, same being out of and a part of Lot 9, Block D, Villa Suena, Section 2; said Villa Suena Section 2 being a subdivision of a portion of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, according to a map or plat of said Villa Suena, Section 2 of record in Book 48 at Page 53 of the Plat Records of Travis County, Texas, which strip of land 1.00 foot in width is more particularly described as follows:

BEING all of the south 108.55 feet of west one (1.00) foot of the east five (5.00) feet of said Lot 9, Block D, Villa Suena, Section 2.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### ANNEXATION HEARING SET

\* Councilman Gage moved the Council set a public hearing at 9:30 A.M., December 17, 1970, to consider annexing the following:

24.06 acres of land out of the James Rogers Survey - MESA PARK, SECTION 1 and part of U. S. 183 and Hoover Road. (requested by owner's representative)

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### ACQUISITION OF LAND

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described

tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$19,200.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to wit:

Lot 32A, Resubdivision of the East one-half of Lot 32.  
Ridgetop Gardens.  
1417 East 51st Street

(Larry J. Nohra, et ux - Airport Expansion)

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$6,514.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

All of Lot 26 and South 34.71 ft. avg. Lot 27,  
Block B, Royal Oak. 700 Winsted Lane.

(Effie Raeves Kitchens - MoPac Boulevard)

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### SALE OF LAND

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN  
AUTHORIZING AND DIRECTING THE CITY MANAGER TO CONVEY  
CERTAIN REAL PROPERTY TO THE URBAN RENEWAL AGENCY  
OF THE CITY OF AUSTIN

WHEREAS, on the 23rd day of April, 1968, the City of Austin and the Urban Renewal Agency of the City of Austin entered into a Cooperation Agreement for the carrying out of the Brackenridge Urban Renewal Project; and,

WHEREAS, as a part of said Cooperation Agreement, the City agreed to convey to the Urban Renewal Agency certain City-owned property situated within the Brackenridge Urban Renewal Project; and,

WHEREAS, the parcel described in Exhibit "A" attached hereto and made a part hereof is a portion of the said land to be conveyed to the Urban Renewal Agency as required by said Cooperation Agreement; and,

WHEREAS, the fair market value of said parcel is \$200.00, which sum will be paid to the City of Austin as consideration for said conveyance; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. The City Manager is hereby authorized and directed to execute a general warranty deed to the Urban Renewal Agency of the City of Austin conveying title to the property in Exhibit "A" attached hereto and made a part hereof.

2. That the consideration for such conveyance is the sum of \$200.00.

EXHIBIT "A"

A part of Lot No. 4, in Outlot 58, in Division "E", in the City of Austin, Travis County, Texas, according to the map or plat on file in the General Land Office of the State of Texas, and being more particularly described as follows:

BEGINNING at a point on the North line of East Sixteenth Street and on the East edge of a stone wall;

THENCE, Eastwardly along the North line of East Sixteenth Street a distance of 31.8 feet to a point which is the intersection of the North line of Sixteenth Street and the West line of Neches Street;

THENCE, Northwardly along the West line of Neches Street, 128 feet to an alley;

THENCE, Westward along the South line of said alley, a distance of 42.5 feet to the East edge of a stone wall;

THENCE, Southwardly along the East edge of the stone wall, a distance of 130.3 feet to the PLACE OF BEGINNING and being the same property conveyed by Anna Wallin, et al, to the City of Austin, by deed dated May 13, 1915, recorded in Vol. 277, at Page 363, of the Deed Records of Travis County, Texas, to which reference is here made for all pertinent purposes.

(Part of Waller Creek Bed)

The motion, seconded by Councilman Janes, carried by the following vote:  
Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

## PARKING METER ZONE

Councilman Price offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions at the location and street below designated are such that an urgent need for enforcement of strict limits upon the time of parking of vehicles at this location upon this street makes it advisable to use mechanical devices in such enforcement, and has found that such locations should be placed in the following Parking Meter Zone:

<u>ZONE</u>	<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
30	Lantana Drive	Entire Street	South

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the location upon that certain street of the City of Austin as above described be and the same is hereby placed in Parking Meter Zone 30, and that the City Clerk be, and she is hereby authorized and instructed to record this finding in Section 21-57 of the Traffic Register.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: Councilman Gage

BUS TRANSIT SYSTEM - LETTER FROM  
TRANSPORTATION ENTERPRISES, INC.  
November 30, 1970

The City Manager reported the Council had the letter from Transportation Enterprises, Inc., to the effect they are giving the formal 30-day notice provided for in their franchise that they would cease operation December 31st. Mr. Andrews reported on his trip to Washington, D. C., to determine if any assistance could be granted to either a private entrepreneur or to the City in its transportation problem. To be qualified for a 50% grant to study the transit system and for purchase of buses, sites for maintenance shops, the shops and equipment, it would be necessary that a metropolitan planning council be in action. The Capital Area Planning Council would fulfill that requirement if it were funded, staffed and had a work program. His report of this requirement was that the City is now in the Capital Area Planning Council; it is funded; there would be needed one full-time staff member; and the work program, which had been submitted but not yet adopted. With the adoption of that program, or the adoption of the Austin-Travis County work program, the conditions would be satisfied. A grant of approximately \$1,000,000 could be obtained through Transportation Administration. The City Manager said he was working on these items and would follow through on them. He explained the operation through the City should it receive the grant. It could lease the buses, shops and shop site

to a private concern. The lease route would be predicated on whether the private concern paid the 50% or the City paid it. There is no chance of qualifying for the 75% under three years of operation of the Capital Area Planning Council. The Mayor asked if the time of the predecessors of the Capital Area Planning Council could be applied toward the three year period. The City Manager stated a technical planning study needed to be accomplished and recommended if the Council goes this route, that the Capital Area Planning Council apply for the technical study grant of possibly \$1,000,000.

He also recommended if this were the way the Council desires, then in connection with the letter received from TRANSPORTATION ENTERPRISES, that official action be taken by advertisement, or otherwise request any and all who might be interested, to furnish proposals to operate the transit system either on a six-month basis or on a five year franchise basis, so that the Council might determine whether to pursue this plan or a municipal operation.

#### Motion

Councilman Johnson moved that the Council follow the recommendation of the City Manager, that he advertise for bids locally; and at his discretion, nationally, for a transportation system to be operated in Austin, Texas, for a period of six months and/or a period up to five years. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The City Manager also recommended that the Council authorize him to move ahead on getting qualified under the Capital Area Planning Council concept as quickly as possible. He added that federal funds are not available for buses used for transporting school children only. This matter is to be brought back to the Council later.

#### CAPITAL IMPROVEMENTS PROGRAM - 1971, '72, and '73

The City Manager reported the 1971, 1972, and 1973 Capital Improvements Program figures and projects had been completed, and the drafting of the brochure is underway. The final draft form would be delivered to each Council member and to the Planning Commissioners Monday, December 7th. Later a formal date could be set for meeting with the Planning Commission.

#### BARTON CREEK REPORT

The City Manager stated the Council had requested a report regarding property needed to "protect Barton Creek", and this report was to fulfill that particular request. He read the report, citing that the ecological problem concerning major creeks and other drainage areas within and extending out from the present City limits had been reviewed. It was concluded that (1) the protection of running creeks and acquisition of land for recreational purposes were not necessarily the same, and utilization of these areas for active recreation purposes would not coincide with the basic idea of creek protection; (2) that the protection of running creeks be considered as a City-wide and future City area problem, and that solutions be economically feasible; (3) that land adjacent to major creeks and drainage areas remain in a natural state so as to accomplish the basic elements of conservation such as erosion control,

absorption and filtration.

It was his recommendation that to protect Barton Creek and later other creeks and drainage areas, the City acquire a conservation easement along Barton Creek to the extent of the 25-year flood plain as shown on the map; that this acquisition be made from Barton pool, in a westerly direction to the proposed Barton Skyway; and at a later date conservation easements be acquired in westerly and southwesterly directions from Barton Creek as priorities may be established by the Council as funds become available in the Capital Improvements Program. The conservation easement should include the areas adjacent to streams to the limit of the 25-year flood plain or 200' whichever is the lesser of the two. It was recognized that the 25-year flood plain area along all creeks and waterways could not be maintained in the natural state on a 100% basis, as street crossings, utility crossings, and other facilities for the general public would be necessary.

The broad objective of these recommendations is to maintain the 25-year flood plain area in a natural state prohibiting private and public encroachment insofar as is feasible. If conservation easements were dedicated by abutting owners, those areas could remain in private hands and utilized as open space in connection with planned unit development, cluster housing, etc. His recommendation was that the land be left in its natural state except only as the Council would approve.

The Deputy City Manager, Mr. Davidson, pointed out on the map the park land not in the 25-year flood plain, the area owned by the City that is in the flood plain, the creek bed, and the 25-year flood plain area privately owned; and the Barton Skyway location.

As review of the map continued, the City Manager pointed out the areas recommended for acquisition.

Council discussion covered the acquisition of easements as protection of the waters of the creek, stopping erosion, and helping percolation of the water into the ground. Parks areas versus protection from contamination or erosion were discussed at length.

The City Manager recommended the acquisition of 14 acres on the south side of the creek, and 10 acres that might be acquired without cost for a conservation easement.

Councilman Gage brought up the legal status of the land on the north side beyond Barton Skyway. The City Attorney, Mr. Don Butler, stated there was no commitment to buy the Bradfield land. Since there were two members absent at an Executive Session, the Mayor gave background information, and read the letter concerning acquisition of approximately 200 acres on the west bank of Barton Creek, and for negotiating for the land at a consideration of not exceeding \$3,000 per acre. He read a reply from Mr. Bradfield, stating he had been authorized by Donald H. Cummings and Robert Miller, Jr., to accept the offer as stated in the letter of October 22nd, describing the 200 acres, at \$3,000 per acre. The Council members discussed this matter in lengthy detail. It appeared that the letter did not constitute a firm offer to buy, although the owners may have so construed its meaning, and there was no contract. The Council discussed this matter in the different facets. It was noted there was an indication of eminent domain of this property.

Councilman Johnson moved the City Manager be authorized to negotiate (more or less in general terms) for 14 acres of land south of the creek, and delineated by his report, in the form of a purchase, and to acquire the additional 10 acres in the form of an easement, and bring a written contract back to this Council for consideration. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

Mayor LaRue, in voting, stated he would like to say that it was his firm conviction that the additional, roughly ± 190 acres on the other side is essential to the saving of Barton Creek, and every effort should be expended to acquire the additional land on the other side of the creek. This would give the City almost three miles on one side of Barton Creek, and the land could be used not only as a conservation area but also one for recreational purposes. This area is unique and certainly not to be duplicated anywhere in the entire United States; and for posterity, it should be acquired and particularly so at the price as quoted here, at some \$3,000 an acre. They would never come close to this figure again. The Council had given the impression that it was going to save Barton Creek, and it was his definite conviction this would go a long way toward saving Barton Creek -- this some three miles along one side.

Councilman Price moved that the City Manager be given the same authority on the north side of the creek as the Council had given him on the other side, and that he be asked to negotiate with Mr. Tom Bradfield and bring the recommendation back the same as he did on the other side -- up to Barton Skyway. Councilman MacCorkle seconded the motion. After discussion, the motion and second was withdrawn in order for MR. DONALD BERMAN to speak.

Councilman Johnson noted there are other park needs. The Mayor pointed out the public was under the impression that once the transfer of ownership of the Butler Tract to the School system, there would be funds for saving the Barton Creek land, improving parks, and adding to the park system in other sections of the City. Brief discussion followed.

MR. DONALD BERMAN, Chairman Austin Regional Group of the Sierra Club, pointed out this year over \$3,000,000 in Federal BOR funds are available for local municipalities, and \$2,000,000 has been committed. Over \$1,000,000 is now available for 50% matching funds, if land is purchased for hike and bike trails among other things. If a plan is submitted before March 1, it could be acted on approximately one month thereafter. He stated the City could negotiate a sales contract, and instead of \$600,000, it would be paying \$300,000, assuming this area is endorsed by Parks and Wildlife. On the easement versus purchase, of a conservation easement from which the public is barred, if hike and bike trails were allowed, the Government would bear half the cost -- not only for acquisition but for cost of development. Mr. Berman stated the City previously had approval for around \$98,000 to be spent along Town Lake. If it does not use that money, it would be lost to Austin as well as to other municipalities in the State; and if the City does not go ahead and use what is already committed to it, Austin will never get any Federal funds. He discussed the extensions on Town Lake to obtain more money to protect the banks. This money would be available from the Corps of Engineers; and if the City would go ahead with the

hike and bike trails, there is 50% matching funds for what it would to in that line.

Councilman Price moved the City Manager be authorized to make a contract to buy the land as shown on the map. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: Councilman Gage

Mayor LaRue voted "aye" stating it was with the understanding that he intended to pursue all courses available to acquire this additional land, as he could not give up on the losing more than 2½ miles of land along Barton Creek. His feeling was that this should be pursued at almost any cost.

#### TOWN LAKE STATUS

Councilman Gage, at this time, asked for a report on the status of the Town Lake project, where it stands now and what could be done to expedite the project.

#### SCHOOL SITE ANNEXATION

The City Manager reported the Austin Independent School district had asked for annexation of four school sites, and he had submitted a written report recommending the two sites close to the City limits -- the South First Street site and the Metcalf Road site. The two northern sites are not within the reach of present water and sewer lines, and he recommended that further time elapse before considering those two for annexation -- Walnut Creek site and the Braker Lane site. MR. WOODROW SLEDGE, Austin Public School System, stated the Braker Lane site was critical now, as bids had been taken for construction. After lengthy discussion, Councilman Gage moved a hearing be set on all four sites, Thursday, December 17, 1970, at 9:30 A.M. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: None

#### REPORT BY CITY ATTORNEY REGARDING STATUS OF COUNCILMAN

Mayor LaRue stated this request for an opinion was put to the City Attorney by the Chair. The City Attorney had delivered each Councilman a letter setting forth the legal opinion. Now it would be up to the Council to determine what action it wished the staff to pursue. The City Attorney explained the alternatives -- decision by Court, or by election in accord with the opinion. If the Council desired, quo warranto proceedings could be instituted through the District or County Attorney in the name of the State, such proceedings being usual in cases as this. Council members noted this opinion had just been received by them. The Mayor stated it appeared to be the consensus of the Council that they had not had an opportunity to look over

this opinion. The City Manager was asked to have the City Attorney present in writing alternatives available to the Council and what course of action would be open to the Council by the following Thursday.

#### TAX APPEALS SET FOR HEARING

Councilman Price moved the tax hearings be set Tuesday, December 15th at 9:00 A.M. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### HUMAN RELATIONS COMMISSION

Mayor LaRue stated the Chairman of the Human Relations Commission, Dr. John Barclay, had mentioned the appointment of a Director for the Human Relations Commission. The City Manager, Mr. Andrews, reported he had been interviewing people, and that he certainly desired a well qualified person to handle this position. The Council wanted to encourage the City Manager in hiring the director, expressing of course, that he be well qualified.

Councilman MacCorkle inquired about the number of Commissioners on the Human Relations Commission -- 15 or 13. It was stated the Council had agreed to set the number at 15 Commissioners.

Councilman Johnson noted in the Minutes of November 30 meeting of the Human Relations Commission, there was a statement that there was a negative attitude of the Council toward a Commission, as well as one by the City Manager. He stated he recalled no indication that this Council has a negative attitude toward this matter; and that there is apparently misinformation being generated.

#### REPORT ON WASHINGTON D. C. TRIP

On Councilman Johnson's inquiry concerning a policy of polling the Council via telephone, Mayor LaRue reported the matter pertained to the emergency bus situation, and that more information was necessary than what was then on hand. It was only proper that the City Manager go to Washington, D.C., to contact officials there, obtain necessary information, and be back before the Council meeting, thus being a week ahead on the crisis. The Mayor gave details about contacts with the U. S. Senator and Congressman, concerning information, which was available in Washington, D.C., and he wanted to poll the Council about this matter. Discussion followed concerning polling via telephone.

#### COMMUNITY COUNCIL

Councilman Janes inquired about the relationship between the Community Council and the Central Texas Planning Commission. It was reported that the Comprehensive Health Planning Commission, previously working with the Community Council, was being transferred to the Capital Area Planning Council. However, all the other activities of the Community Council would continue.

## UTILITY EXTENSIONS BEYOND CITY LIMITS

The City Manager, regarding utility extensions beyond the City limits, stated there was a hearing before the Water Quality Board next week. The Board is concerned with the area due north of Decker Lake, which is many miles from any sewer treatment facilities. The City is finding itself in a broad area situation on sanitation. Pollution situations are at the point where building will not be allowed unless waste water can be handled, and the City is going to have to take a good look at its policies and procedures particularly outside the City limits as to what is going to be done, as there is no way to finance that bread a base situation for a little development. Mayor LaRue said a communication had been sent to the Capital Area Planning Council, indicating the Capital Area Planning Council would have to bear its responsibility in its cope. Mr. Schmidt is Chairman of the Board, and he would have a report in the next two or three weeks.

The City Manager added, while this general subject was under consideration, he was working towards the possible securing of a qualified individual to handle all of the governmental type operations, keeping in touch with the Federal programs. He would have a report back to the Council.

## ADJOURNMENT

Councilman Janes moved the Council adjourn. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

APPROVED \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
City Clerk